

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7198

BILL NUMBER: SB 373

NOTE PREPARED: Apr 9, 2013

BILL AMENDED: Apr 9, 2013

SUBJECT: Agricultural and Industrial Operations.

FIRST AUTHOR: Sen. Holdman

FIRST SPONSOR: Rep. Friend

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Application Fraud* – It provides that a person who knowingly or intentionally: (1) submits an application to a prospective employer to secure employment; and (2) makes a false statement about a material fact or conceals a material fact in the application in order to secure employment, commits application fraud, a Class A misdemeanor.
- B. *Criteria for Criminal Trespass* – It provides that for the purposes of criminal trespass, a person has been denied entry to property when the person has been denied entry by means of a fence, wall, or other constructed barrier that reasonably implies entry is prohibited.
- C. *Exception to Deception Statute* – It provides that a person making a false or misleading written statement with the intent to obtain employment is excluded from the deception statute.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Application Fraud* – It is unknown how many new convictions might occur for application fraud. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit or superior court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Mark Goodpaster, 317-232-9852.